# IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

PATRICIA L. CONNITE,

Plaintiff,

V.

No. 85-C-111-E

SHELTER INSURANCE COMPANIES,

Defendant,

V.

MICHAEL MEFFORD,

Third-Party Defendant.)

### ORDER OF DISMISSAL WITH PREJUDICE

The Court, having reviewed the Stipulation For Order Of Dismissal With Prejudice filed by the party litigants, finds that the above-styled and numbered cause of action should be dismissed with prejudice to the refiling of same.

The Court further finds that the Defendant's Third-Party Complaint should also be dismissed with prejudice to refiling pursuant to Rule 41 of the Federal Rules of Civil Procedure.

San Salar

United States District Judge

# IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

OMNI INTERNATIONAL CORPOR	ATION, )	FFF 1 0 <b>198</b> 7
Plain	tiff,	•
v.	<u>}</u>	
WORD INDUSTRIES, INC.,	<u> </u>	
Defend	•	il Action No. 85-C-912-E

### ORDER OF DISMISSAL WITH PREJUDICE

THIS CAUSE comes on to be heard on the joint motion of the Plaintiff, Omni International Corporation and the Defendant, Word Industries, Inc. The joint motion to dismiss with prejudice any and all claims of said Plaintiff against said Defendant, including all asserted and unasserted claims that the Plaintiff did or could have asserted for any reason whatsoever is made pursuant to Title 28, U.S.C. Federal Rules of Civil Procedure, Rule 41(a)(2). The Court being fully advised in the premises and being of the opinion that the joint motion of the Plaintiff and the Defendant should be granted, hereby states:

IT IS ORDERED, ADJUDGED AND DECREED that any and all claims by the Plaintiff against the Defendant that have been asserted herein, together with all claims that could have been asserted against said Defendant herein, and any and all claims of the Plaintiff against said Defendant, for any reason whatsoever, are hereby dismissed with prejudice to their future assertion;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that neither the Plaintiff nor the Defendant shall recover any costs or fees against the other party as a result of the proceeding.

IT IS SO ORDERED.

DATED this \_\_\_\_\_ day of February, 1987.

SE THE WELL RETURN

JUDGE OF THE DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA FEB 10 1997

JACK C. SILVER, CLERK U.S. DISTRICT COURT

AMERICAN PROTECTION INSURANCE COMPANY,

Plaintiff,

٧.

Case No. 85-C-668-B

GULFSTREAM AEROSPACE
CORPORATION; GAC AIRCRAFT
COMPANY; TELEDYNE, INC.;
TELEDYNE INDUSTRIES, INC.;
TELEDYNE CONTINENTAL MOTORS,
INC.; AIRCRAFT PRODUCTS
DIVISION; MID-STATES AIRCRAFT
ENGINES, INC.; JOHN DOE I and
JOHN DOE II,

Defendants.

### STIPULATION OF DISMISSAL WITH PREJUDICE

In payment of the sum of Ten Dollars (\$10.00) and other good and valuable consideration received by the Plaintiff from the Defendants, the parties stipulate, pursuant to Rule 41(a)(1) Federal Rules of Civil Procedure, that the above styled and numbered cause of action, and any and all claims arising therefrom by and between the parties, be and the same are hereby dismissed with prejudice as to future filings, and no party will seek indemnification from or contribution by any other party by reason of said payments to Plaintiff; provided, however, that nothing contained herein shall release the right of National Union Fire Insurance Company and Mid-States Aircraft Engines, Inc., to

seek contribution and damages from certain parties as claimed in Case No. 87-C-5-E, except as to payments being made in the above captioned matter, filed in the United States District Court for the Northern District of Oklahoma and captioned National Union Fire Insurance Company and Mid-States Aircraft Engines, Inc., v. A.A.R. Western Skyways, Inc., and Teledyne, Ind., d/b/a Teledyne Continental Motors.

DATED this

// day of January, 1987.

MICHAEL P. ATKINSON, One of the Attorneys for Mid-States Aircraft Engines, Inc.

WOODARD, III One of the Attorneys for Plaintiff, American Protection

Insurance Company

ELDER, OR. One of the Attorneys for Teledyne, Inc., Teledyne Industries, Inc., and Teledyne Continental Motors, Inc., Aircraft Products Division

DAVID C. JOHNSTON, JR., One the Attorneys for Gulfstream Aerospace Corporation and GAC Air #raft Company

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

TOMMY REDMON,	)	
Petitioner,	)	FEB 101987
v.	) 86-C-966-C	inalia (1908), emili 18. d. d'illi <b>litt Cou</b> rf
WILLIAM YEAGER,	,	the for the east that the companies
Respondent.	)	

### ORDER

The Court has for consideration the Report and Recommendation of the Magistrate filed January 22, 1987, in which the Magistrate recommended that petitioner's application for a writ of habeas corpus be dismissed. No exceptions or objections have been filed and the time for filing such exceptions or objections has expired.

After careful consideration of the record and the issues, the Court has concluded that the Report and Recommendation of the Magistrate should be and hereby is affirmed.

It is therefore Ordered that petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C. §2254 is dismissed.

Dated this 44 day of February, 1987.

1. DALE COOK, CHIEF

UNITED STATES DISTRICT JUDGE

### IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED.

FEB 101987

MEC, INC., an Oklahoma corporation, d/b/a THE SWAB CORPORATION,

ver. Claric o. S. Morrist Commit

Plaintiff,

vs.

No. 86-C-782-C

EL PASO NATURAL GAS COMPANY, a Delaware corporation,

Defendant.

### ORDER OF DISMISSAL

MUDAK 1987, the Court has for its consideration the Stipulation for Dismissal jointly filed in the above-styled and numbered cause by Plaintiff and Based upon the representations and requests of the parties, as set forth in the foregoing Stipulation, it is

ORDERED that Plaintiff's Complaint and claims for relief against Defendant be and the same hereby are dismissed with prejudice. It is further

ORDERED that Defendant's Counterclaims and claims for relief against the Plaintiff be and the same hereby are dismissed with prejudice. It is further

ORDERED that each party shall bear its own costs.

UNITED STATES DISTRICT COURT

### APPROVED:

Howard G. Barnett, Jr.
Sneed, Lang, Adams, Hamilton,
Downie & Barnett
6th Floor
114 East 8th Street
Tulsa, OK 74119

By:

Joel L. Wohlgemuth Norman, Wohlgemuth & Thompson 909 Kennedy Bldg. Tulsa, OK 74103

Attorneys for Plaintiff, MEC, Inc. d/b/a The Swab Corporation

Fred S. Nelson Claire V. Eagan

Hall, Estill, Hardwick, Gable, Collingsworth & Nelson, P.C. 4100 Bank of Oklahoma Tower Tulsa, Oklahoma 74172

Attorneys for Defendant, El Paso Natural Gas Company

# UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )

Plaintiff, )

vs.

RALPH A. ELLIOTT; CAROLYN SUE ELLIOTT; COUNTY TREASURER, Tulsa County, Oklahoma; BOARD OF COUNTY COMMISSIONERS, Tulsa County, Oklahoma,

Defendants.

FEB 101987

to the Colored

CIVIL ACTION NO. 86-C-733-C

### JUDGMENT OF FORECLOSURE

This matter comes on for consideration this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_, 1987. The Plaintiff appears by Layn R. Phillips, United States Attorney for the Northern District of Oklahoma, through Phil Pinnell, Assistant United States Attorney; the Defendants, County Treasurer, Tulsa County, Oklahoma, and Board of County Commissioners, Tulsa County, Oklahoma, appear by Doris L. Fransein, Assistant District Attorney, Tulsa County, Oklahoma; and the Defendants, Ralph A. Elliott and Carolyn Sue Elliott, appear not, but make default.

The Court being fully advised and having examined the file herein finds that the Defendant, Ralph A. Elliott, was served with Summons and Complaint on December 18, 1986; that Defendant, Carolyn Sue Elliott, was served with Summons and Complaint on December 24, 1986; that Defendant, County Treasurer, Tulsa County, Oklahoma, acknowledged receipt of Summons and

Complaint on August 13, 1986; and that Defendant, Board of County Commissioners, Tulsa County, Oklahoma, acknowledged receipt of Summons and Complaint which said acknowledgment was filed herein on August 18, 1986.

It appears that the Defendants, County Treasurer, Tulsa County, Oklahoma, and Board of County Commissioners, Tulsa County, Oklahoma, filed their Answers herein on September 2, 1986 and filed their Amended Answer herein on February 5, 1987; and that the Defendants, Ralph A. Elliott and Carolyn Sue Elliott, have failed to answer and their default has therefore been entered by the Clerk of this Court.

The Court further finds that this is a suit based upon a certain mortgage note and for foreclosure of a mortgage securing said mortgage note upon the following described real property located in Tulsa County, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot Seven (7), Block Two (2), MODERN ACRES ADDITION to the City of Tulsa, County of Tulsa, State of Oklahoma, according to the recorded plat thereof.

The Court further finds that on March 16, 1984, the Defendants, Ralph A. Elliott and Carolyn Sue Elliott, executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, their mortgage note in the amount of \$48,500.00, payable in monthly installments, with interest thereon at the rate of twelve and one-half percent (12.5%) per annum.

The Court further finds that as security for the payment of the above-described note, the Defendants, Ralph A.

Elliott and Carolyn Sue Elliott, executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, a mortgage dated March 16, 1984, covering the above-described property. Said mortgage was recorded on March 19, 1984, in Book 4775, Page 1732, in the records of Tulsa County, Oklahoma.

The Court further finds that the Defendants, Ralph A. Elliott and Carolyn Sue Elliott, made default under the terms of the aforesaid note and mortgage by reason of their failure to make the monthly installments due thereon, which default has continued, and that by reason thereof the Defendants, Ralph A. Elliott and Carolyn Sue Elliott, are indebted to the Plaintiff in the principal sum of \$48,659.62, plus interest at the rate of twelve and one-half percent (12.5%) per annum from November 1, 1985 until judgment, plus interest thereafter at the legal rate until fully paid, and the costs of this action accrued and accruing.

The Court further finds that the Defendants, County
Treasurer and Board of County Commissioners, Tulsa County,
Oklahoma, have a lien on the property which is the subject matter
of this action by virtue of ad valorem taxes in the amount of
\$372.00, plus penalties and interest, for the year of 1986. Said
lien is superior to the interest of the Plaintiff, United States
of America.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendants, Ralph A. Elliott and Carolyn Sue Elliott, in the principal sum of \$48,659.62, plus interest at the rate of twelve and one-half percent (12.5%) per annum from November 1, 1985, until judgment,

plus interest thereafter at the current legal rate of 5.75% percent per annum until paid, plus the costs of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendants, County Treasurer and Board of County Commissioners, Tulsa County, Oklahoma, have and recover judgment in the amount of \$372.00, plus penalties and interest, for ad valorem taxes for the year of 1986, plus the costs of this action.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon the failure of said Defendants, Ralph A. Elliott and Carolyn Sue Elliott, to satisfy the money judgment of the Plaintiff herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisement the real property involved herein and apply the proceeds of the sale as follows:

#### First:

In payment of the costs of this action accrued and accruing incurred by the Plaintiff, including the costs of sale of said real property;

### Second:

In payment of the judgment rendered herein in favor of the Plaintiff.

The surplus from said sale, if any, shall be deposited with the Clerk of the Court to await further Order of the Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from and after the sale of the above-described real property, under and by virtue of this judgment and decree, all of the Defendants and all persons claiming under them since the filing of the Complaint, be and they are forever barred and foreclosed of any right, title, interest or claim in or to the subject real property or any part thereof.

s/H. DALE COOK

UNITED STATES DISTRICT JUDGE

APPROVED:

LAYN R. PHILLIPS United States Attorney

PHIL PINNELL

Assistant United States Attorney

DORIS L. FRANSEIN

Assistant District Attorney Attorney for Defendants,

County Treasurer and

Board of County Commissioners,

Tulsa County, Oklahoma

# UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, Plaintiff,	FEB 1 0 1987
vs.	)
STANLEY A. RICHARDS,	)
Defendant.	) CIVIL ACTION NO. 86-C-1022-E

### DEFAULT JUDGMENT

This matter comes on for consideration this day of February, the Plaintiff appearing by Layn R. Phillips, United States Attorney for the Northern District of Oklahoma, through Phil Pinnell, Assistant United States Attorney, and the Defendant, Stanley A. Richards, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Stanley A. Richards, was served with Summons and Complaint on December 19, 1986. The time within which the Defendant could have answered or otherwise moved as to the Complaint has expired and has not been extended. The Defendant has not answered or otherwise moved, and default has been entered by the Clerk of this Court. Plaintiff is entitled to Judgment as a matter of law.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendant,

Stanley A. Richards, for the principal sum of \$554.87, plus interest at the rate of 9 percent per annum and administrative costs of \$.67 per month from February 1, 1987, until judgment, plus interest thereafter at the current legal rate of \_5.75 percent per annum until paid, plus costs of this action.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

# UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,	• 1 \ \frac{1}{2}  \frac{1}{2}
Plaintiff,	FEB 101987
vs.	
HAROLD D. HORNSBY,	
Defendant.	CIVIL ACTION NO. 86-C-237-C

### DEFAULT JUDGMENT

This matter comes on for consideration this \_\_\_\_\_\_ day of February, 1987, the Plaintiff appearing by Layn R. Phillips, United States Attorney for the Northern District of Oklahoma, through Phil Pinnell, Assistant United States Attorney, and the Defendant, Harold D. Hornsby, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Harold D. Hornsby, was served with Summons and Complaint on December 17, 1986. The time within which the Defendant could have answered or otherwise moved as to the Complaint has expired and has not been extended. The Defendant has not answered or otherwise moved, and default has been entered by the Clerk of this Court. Plaintiff is entitled to Judgment as a matter of law.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendant,

Harold D. Hornsby, for the principal sum of \$459.20, plus interest at the rate of 15.05 percent per annum and administrative costs of \$.61 per month from September 28, 1983, and \$.68 per month from January 1, 1984, until judgment, plus interest thereafter at the current legal rate of 5.15 percent per annum until paid, plus costs of this action.

s/H. DALE COUK

UNITED STATES DISTRICT JUDGE

### IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

C & H TRANSPORTATION CO., INC.	
Plaintiff(s), )	
vs. )	No. 85-C-1124-C
EUTSLER DRILLING CQ., ET. AL.	FILED
Defendant(s).	FEB 101987

# JUDGMENT DISMISSING ACTION BY REASON OF SETTLEMENT

Jack C. Sylver, Clerk
U. S. Disyrkict court

The Court has been advised by counsel that this action has been settled, or is in the process of being settled. Therefore, it is not necessary that the action remain upon the calendar of the Court.

IT IS ORDERED that the action is dismissed without prejudice. The Court retains complete jurisdiction to vacate this Order and to reopen the action upon cause shown that settlement has not been completed and further litigation is necessary.

IT IS FURTHER ORDERED that the Clerk forthwith serve copies of this Judgment by United States mail upon the attorneys for the parties appearing in this action.

Dated this 9 day of Libruary, 1987.

UNITED STATES DISTRICT JUDGE

# UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

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UNITED STATES OF AMERICA, )	FFB 101987
Plaintiff,	w ·
vs. )	The property contains the same of the same
JOHN D. GOURLEY and REX FRATES,	
Defendants.	CIVIL ACTION NO. 86-C-981-E

### DEFAULT JUDGMENT

This matter comes on for consideration this \_\_\_\_\_\_\_ day of February, 1987, the Plaintiff appearing by Layn R. Phillips, United States Attorney for the Northern District of Oklahoma, through Nancy Nesbitt Blevins, Assistant United States Attorney, and the Defendant, John D. Gourley, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, John D. Gourley, acknowledged receipt of Summons and Complaint on November 8, 1986. The time within which the Defendant could have answered or otherwise moved as to the Complaint has expired and has not been extended. The Defendant has not answered or otherwise moved, and default has been entered by the Clerk of this Court. Plaintiff is entitled to Judgment as a matter of law.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendant,

John D. Gourley, on its First Cause of Action for the principal sum of \$55,000.00 as of July 31, 1986, plus interest as of that date in the amount of \$35,110.84, plus interest accruing after July 31, 1986 at the rate of \$15.07 per day until judgment, plus interest from the date of judgment at the current legal rate of percent per annum until paid, plus attorney fees and costs of this action.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendant,

John D. Gourley, on its Second Cause of Action for the principal amount of \$13,333.28 as of July 31, 1986, plus interest as of that date in the amount of \$4,777.73, plus interest accruing after July 31, 1986 at the rate of \$3.65 per day until judgment, plus interest from the date of judgment at the current legal rate of 5.75 percent per annum until paid, plus attorney fees and costs of this action.

s/H. DALE COOK
UNITED STATES DISTRICT JUDGE

### IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

VALCOM, INC.,	)
Plaintiff,	)
vs.	) No. 85-C-1100-E
JOSEPH D. WASZUT and ERNEST A. CANADY,	)
Defendants.	)

### JUDGMENT

1. This Court has jurisdiction of the parties hereto and the subject matter hereof. Venue is properly laid in this district.

- 2. Waszut is indebted and liable to plaintiff in the principal sum of \$86,598.42, by virtue of his guaranty of Valcom Computer Center, Inc.'s debt to plaintiff.
- 3. Plaintiff is entitled to pre-judgment interest on said debt of \$19,484.63, and an agreed upon attorneys fee of \$2,500.00 together with post-judgment interest as allowed by law and the costs of this action.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that plaintiff have judgment against Waszut in the principal sum of \$86,598.42, for pre-judgment interest of \$19,484.63, attorneys fees of \$2,500.00, and the costs of this action being \$60.00 for all of which let execution issue.

S/ JANES U. ELLISON

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM AND CONTENT:

Theodore Q. Eliot

GABLE & GOTWALS, INC.

2000 Fourth National Bank Building

Tulsa, Oklahoma 74119

ATTORNEYS FOR PLAINTIFF

Novelle Wilson

ABEL & BUSCH

2400 Fourth National Bank Building

Tulsa, Oklahoma 74119

ATTORNEYS FOR DEFENDANT JOSEPH D. WASZUT

Jesse L. Leeds

U.S. Court Building, Room 114

Muskogee, Oklhaoma 74401

ATTORNEYS FOR DEFENDANT ERNEST A. CANADY

# UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,	)
Plaintiff,	
vs.	
JAMES R. BUTLER; ELAINE D. BUTLER; COUNTY TREASURER, Creek County, Oklahoma; and BOARD OF COUNTY COMMISSIONERS, Creek County, Oklahoma,	) ) ) )
Defendants.	) )

### JUDGMENT OF FORECLOSURE

This matter comes on for consideration this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_, 1987. The Plaintiff appears by Layn R. Phillips, United States Attorney for the Northern District of Oklahoma, through Phil Pinnell, Assistant United States Attorney; the Defendants, James R. Butler, Elaine D. Butler, County Treasurer, Creek County, Oklahoma, and Board of County Commissioners, Creek County, Oklahoma, appear not, but make default.

The Court being fully advised and having examined the file herein finds that the Defendant, County Treasurer, Creek County, Oklahoma, acknowledged receipt of Summons and Complaint on October 2, 1986; and that Defendant, Board of County Commissioners, Creek County, Oklahoma, acknowledged receipt of Summons and Complaint which said acknowledgment was filed herein on November 5, 1986.

The Court further finds that the Defendants, James R. Butler and Elaine D. Butler, were served by publishing notice of this action in the Sapulpa Legal News, a newspaper of general circulation in Creek County, Oklahoma, once a week for six (6) consecutive weeks beginning December 4, 1986, and continuing to January 8, 1987, as more fully appears from the verified proof of publication duly filed herein; and that this action is one in which service by publication is authorized by 12 O.S. Section 2004(C)(3)(c). Since counsel for the Plaintiff does not know and with due diligence cannot ascertain the whereabouts of the Defendants, James R. Butler and Elaine D. Butler, and service cannot be made upon said Defendants within the Northern Judicial District of Oklahoma or the State of Oklahoma by any other method, or upon said Defendants without the Northern Judicial District of Oklahoma or the State of Oklahoma by any other method, as more fully appears from the evidentiary affidavit of a bonded abstractor filed herein with respect to the last known addresses of the Defendants, James R. Butler and Elaine D. Butler. The Court conducted an inquiry into the sufficiency of the service by publication to comply with due process of law and based upon the evidence presented together with affidavit and documentary evidence finds that the Plaintiff, United States of America, acting on behalf of the Administrator of Veterans Affairs, and its attorneys, Layn R. Phillips, United States Attorney for the Northern District of Oklahoma, through Phil Pinnell, Assistant United States Attorney, fully exercised due diligence in ascertaining the true name and identity of the

parties served by publication with respect to their present or last known places of residence and/or mailing addresses. The Court accordingly approves and confirms that the service by publication is sufficient to confer jurisdiction upon this court to enter the relief sought by the Plaintiff, both as the subject matter and the Defendants served by publication.

It appears that the Defendants, James R. Butler, Elaine D. Butler, County Treasurer, Creek County, Oklahoma, and Board of County Commissioners, Creek County, Oklahoma, have failed to answer and their default has therefore been entered by the Clerk of this Court.

The Court further finds that this is a suit based upon a certain mortgage note and for foreclosure of a mortgage securing said mortgage note upon the following described real property located in Creek County, Oklahoma, within the Northern Judicial District of Oklahoma:

A tract of land in the Northeast Quarter (NE/4) of the Northeast (NE/4) of Section Twenty (20), Township Seventeen (17) North, Range (12) East, in Creek County, State of Oklahoma, more particularly bounded and described as follows: Beginning at a point eleven hundred eighty-seven (1187) feet South of the Northeast Corner of the NE/4 of the NE/4 of said Section 20, Thence West four hundred fourteen (414) feet; thence South one hundred thirty-three (133) feet; thence East four hundred fourteen (414) feet; thence North one hundred thirty-three (133) feet, to the point of beginning.

The Court further finds that on July 13, 1985, the Defendants, James R. Butler and Elaine D. Butler, executed and delivered to the United States of America, acting on behalf of

the Administrator of Veterans Affairs, their mortgage note in the amount of \$53,500.00, payable in monthly installments, with interest thereon at the rate of eleven and one-half percent (11.5%) per annum.

The Court further finds that as security for the payment of the above-described note, the Defendants, James R. Butler and Elaine D. Butler, executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, a mortgage dated July 13, 1985, covering the above-described property. Said mortgage was recorded on July 16, 1985, in Book 190, Page 847, in the records of Creek County, Oklahoma.

The Court further finds that the Defendants, James R. Butler and Elaine D. Butler, made default under the terms of the aforesaid note and mortgage by reason of their failure to make the monthly installments due thereon, which default has continued, and that by reason thereof the Defendants, James R. Butler and Elaine D. Butler, are indebted to the Plaintiff in the principal sum of \$53,223.23, plus interest at the rate of eleven and one-half percent (11.5%) per annum from December 1, 1985 until judgment, plus interest thereafter at the legal rate until fully paid, and the costs of this action accrued and accruing.

The Court further finds that the Defendants, County
Treasurer and Board of County Commissioners, Creek County,
Oklahoma, are in default and have no right, title, or interest in
the subject real property.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendants, James R. Butler and Elaine D. Butler, in the principal sum of \$53,223.23, plus interest at the rate of eleven and one-half percent (11.5%) per annum from December 1, 1985 until judgment, plus interest thereafter at the current legal rate of 5.75 percent per annum until paid, plus the costs of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendants, County Treasurer and Board of County Commissioners, Creek County, Oklahoma, have no right, title, or interest in the subject real property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon the failure of said Defendants, James R. Butler and Elaine D. Butler, to satisfy the money judgment of the Plaintiff herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisement the real property involved herein and apply the proceeds of the sale as follows:

### First:

In payment of the costs of this action accrued and accruing incurred by the Plaintiff, including the costs of sale of said real property;

### Second:

In payment of the judgment rendered herein in favor of the Plaintiff.

The surplus from said sale, if any, shall be deposited with the Clerk of the Court to await further Order of the Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from and after the sale of the above-described real property, under and by virtue of this judgment and decree, all of the Defendants and all persons claiming under them since the filing of the Complaint, be and they are forever barred and foreclosed of any right, title, interest or claim in or to the subject real property or any part thereof.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

APPROVED:

LAYN R. PHILLIPS United States Attorney

PHIL PINNELL

Assistant United States Attorney

### UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,	)
Plaintiff,	
vs.	
TRINA D. HOWARD,	)
Defendant.	) CIVIL ACTION NO. 86-C-707-B

### AGREED JUDGMENT

This matter comes on for consideration this Juliany, 1987 of Becember, 1986, the Plaintiff appearing by Layn R. Phillips, United States Attorney for the Northern District of Oklahoma, through Peter Bernhardt, Assistant United States Attorney, and the Defendant, Trina D. Howard, appearing pro se.

The Court, being fully advised and having examined the file herein, finds that the Defendant, Trina D. Howard, acknowledged receipt of Summons and Complaint on August 21, 1986. The Defendant has not filed an Answer but in lieu thereof has agreed that she is indebted to the Plaintiff in the amount alleged in the Complaint and that judgment may accordingly be entered against her in the amount of \$7,973.00 as of April 15, 1986, plus interest thereafter at the applicable variable interest rate until judgment, tagether with the contact of the legal rate until paid, plus the costs of this action.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendant, Trina D. Howard, in the amount of \$7,973.00, as of April 15, 1986, together with a reasonable atternay's fee, plus interest thereafter at the applicable variable interest rate until judgment, plus interest thereafter at the current legal rate of 5,75 percent until paid, plus the costs of this action.

S/ NOMAS R. BRETT UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

LAYN R. PHILLIPS

United States Attorney

PETER BERNHARDT

Assistant U.S. Attorney

Trina W. Howa

# UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Oklahoma,

MARK ALLEN BAKER; LORI BRINNEN; STATE OF OKLAHOMA ex rel.

OKLAHOMA TAX COMMISSION;

COUNTY TREASURER, Creek County, Oklahoma; and BOARD OF COUNTY

COMMISSIONERS, Creek County, Oklahoma;

Defendants.

CIVIL ACTION NO. 86-C-552-B

### JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 7th day of February, 1987. The Plaintiff appears by Layn R. Phillips, United States Attorney for the Northern District of Oklahoma, through Phil Pinnell, Assistant United States Attorney; the Defendant, State of Oklahoma ex rel. Oklahoma Tax Commission, appears by Robert B. Struble, Attorney; and the Defendants, Mark Allen Baker, Lori Brinnen, County Treasurer, Creek County, Oklahoma, and Board of County Commissioners, Creek County, Oklahoma, appear not, but make default.

The Court being fully advised and having examined the file herein finds that the Defendant, State of Oklahoma ex rel.

Oklahoma Tax Commission, acknowledged receipt of Summons and Complaint on June 10, 1986; that Defendant, County Treasurer, Creek County, Oklahoma, acknowledged receipt of Summons and Complaint on June 10, 1986; and that Defendant, Board of County

Commissioners, Creek County, Oklahoma, acknowledged receipt of Summons and Complaint on June 17, 1986.

The Court further finds that the Defendants, Mark Allen Baker and Lori Brinnen, were served by publishing notice of this action in the Sapulpa Legal News, a newspaper of general circulation in Creek County, Oklahoma, once a week for six (6) consecutive weeks beginning November 20, 1986, and continuing to December 25, 1986, as more fully appears from the verified proof of publication duly filed herein; and that this action is one in which service by publication is authorized by 12 O.S. Section 2004(C)(3)(c). Since counsel for the Plaintiff does not know and with due diligence cannot ascertain the whereabouts of the Defendants, Mark Allen Baker and Lori Brinnen, and service cannot be made upon said Defendants within the Northern Judicial District of Oklahoma or the State of Oklahoma by any other method, or upon said Defendants without the Northern Judicial District of Oklahoma or the State of Oklahoma by any other method, as more fully appears from the evidentiary affidavit of a bonded abstractor filed herein with respect to the last known addresses of the Defendants, Mark Allen Baker and Lori Brinnen. The Court conducted an inquiry into the sufficiency of the service by publication to comply with due process of law and based upon the evidence presented together with affidavit and documentary evidence finds that the Plaintiff, United States of America, acting on behalf of the Administrator of Veterans Affairs, and its attorneys, Layn R. Phillips, United States Attorney for the Northern District of Oklahoma, through Phil

Pinnell, Assistant United States Attorney, fully exercised due diligence in ascertaining the true name and identity of the parties served by publication with respect to their present or last known places of residence and/or mailing addresses. The Court accordingly approves and confirms that the service by publication is sufficient to confer jurisdiction upon this court to enter the relief sought by the Plaintiff, both as the subject matter and the Defendants served by publication.

(E) - -

It appears that the Defendant, State of Oklahoma

ex rel. Oklahoma Tax Commission, filed its Answer and CrossPetition herein on July 1, 1986; and that the Defendants, Mark
Allen Baker, Lori Brinnen, County Treasurer, Creek County,
Oklahoma, and Board of County Commissioners, Creek County,
Oklahoma, have failed to answer and their default has therefore
been entered by the Clerk of this Court.

The Court further finds that this is a suit based upon a certain mortgage note and for foreclosure of a mortgage securing said mortgage note upon the following described real property located in Creek County, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot One (1), Block Thirteen (13), Bartlett Addition to the City of Sapulpa, Creek County, Oklahoma, according to the recorded plat thereof. AND the South 40 feet of vacated Washington Avenue, in the City of Sapulpa between Maple Street on the West and the Right-of-Way of the St. Louis and San Francisco Railway on the East.

The Court further finds that on September 11, 1984, the Defendants, Mark Allen Baker and Lori Brinnen, executed and delivered to the United States of America, acting on behalf of

the Administrator of Veterans Affairs, their mortgage note in the amount of \$29,000.00, payable in monthly installments, with interest thereon at the rate of thirteen and one-half percent (13.5%) per annum.

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The Court further finds that as security for the payment of the above-described note, the Defendants, Mark Allen Baker and Lori Brinnen, executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, a mortgage dated September 11, 1984, covering the above-described property. Said mortgage was recorded on September 17, 1984, in Book 171, Page 1516, in the records of Creek County, Oklahoma.

The Court further finds that the Defendants, Mark Allen Baker and Lori Brinnen, made default under the terms of the aforesaid note and mortgage by reason of their failure to make the monthly installments due thereon, which default has continued, and that by reason thereof the Defendants, Mark Allen Baker and Lori Brinnen, are indebted to the Plaintiff in the principal sum of \$28,907.01, plus interest at the rate of thirteen and one-half percent (13.5%) per annum from August 1, 1985 until judgment, plus interest thereafter at the legal rate until fully paid, and the costs of this action accrued and accruing.

The Court further finds that the Defendant, State of Oklahoma ex rel. Oklahoma Tax Commission, has a lien on the property which is the subject matter of this action by virtue of an Oklahoma Income Tax Warrant #09-85-1196 filed against Mark A.

Baker for the period January 1, 1980 - December 31, 1980, in the amount of \$196.90, plus penalties and interest accrued and accruing. Said lien is inferior to the interest of the Plaintiff, United States of America.

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The Court further finds that the Defendants, County

Treasurer and Board of County Commissioners, Creek County,

Oklahoma, are in default and have no right, title, or interest in
the subject real property.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendants, Mark Allen Baker and Lori Brinnen, in the principal sum of \$28,907.01, plus interest at the rate of thirteen and one-half percent (13.5%) per annum from August 1, 1985 until judgment, plus interest thereafter at the current legal rate of 5.75 percent per annum until paid, plus the costs of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendant, State of Oklahoma ex rel. Oklahoma Tax Commission, have and recover judgment in the amount of \$196.90, plus penalties and interest, for unpaid income taxes for the year of 1980, plus the costs of this action.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendants, County Treasurer and Board of County Commissioners, Creek County, Oklahoma, have no right, title, or interest in the subject real property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon the failure of said Defendants, Mark Allen Baker and Lori Brinnen, to satisfy the money judgment of the Plaintiff herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisement the real property involved herein and apply the proceeds of the sale as follows:

#### First:

In payment of the costs of this action accrued and accruing incurred by the Plaintiff, including the costs of sale of said real property;

### Second:

In payment of the judgment rendered herein in favor of the Plaintiff.

### Third:

In payment of the Defendant, State of Oklahoma ex rel. Oklahoma Tax Commission, in the amount of \$196.90, plus penalties and interest, income taxes which are currently due and owing.

The surplus from said sale, if any, shall be deposited with the Clerk of the Court to await further Order of the Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from and after the sale of the above-described real property, under and by virtue of this judgment and decree, all of the Defendants and all persons claiming under them since the filing of the

Complaint, be and they are forever barred and foreclosed of any right, title, interest or claim in or to the subject real property or any part thereof.

UNITED STATES DISTRICT JUDGE

#### APPROVED:

LAYN R. PHILLIPS United States Attorney

PHIL PINNELL

Assistant United States Attorney

STATE OF OKLAHOMA ex rel. OKLAHOMA TAX COMMISSION

ROBERT B. STRUBLE, Attorney

2501 Lincoln Boulevard

Oklahoma City, OK 73194-0011

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### UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

VS.

S. NADENE GARRETT; DARRELL W.

DUKE; RAMONA SUE PRICE;

COUNTY TREASURER, Tulsa County,

Oklahoma; and BOARD OF COUNTY

COMMISSIONERS, Tulsa County,

Oklahoma,

#### JUDGMENT OF FORECLOSURE

Defendants.

CIVIL ACTION NO. 86-C-525-B

This matter comes on for consideration this 7 day of Fobracy, 1987. The Plaintiff appears by Layn R.

Phillips, United States Attorney for the Northern District of Oklahoma, through Peter Bernhardt, Assistant United States Attorney; the Defendants, County Treasurer, Tulsa County, Oklahoma, and Board of County Commissioners, Tulsa County, Oklahoma, appear by Doris L. Fransein, Assistant District Attorney, Tulsa County, Oklahoma; and the Defendants, S. Nadene Garrett, Darrell W. Duke, and Ramona Sue Price, appear not, but make default.

The Court being fully advised and having examined the file herein finds that the Defendant, S. Nadene Garrett, acknowledged receipt of Summons and Complaint on June 4, 1986; that the Defendant, Darrell W. Duke, was served with Summons and Complaint on October 29, 1986; that the Defendant, Ramona Sue Price, acknowledged receipt of Summons and Complaint on June 18, 1986; that Defendant, County Treasurer, Tulsa County, Oklahoma,

acknowledged receipt of Summons and Complaint on June 11, 1986; and that Defendant, Board of County Commissioners, Tulsa County, Oklahoma, acknowledged receipt of Summons and Complaint on June 3, 1986.

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It appears that the Defendants, County Treasurer, Tulsa County, Oklahoma, and Board of County Commissioners, Tulsa County, Oklahoma, filed their Answers herein on June 20, 1986; that the Defendant, S. Nadene Garrett, has failed to answer and her default has been entered by the Clerk of this Court on September 25, 1986; that the Defendant, Darrell W. Duke, has failed to answer and his default has been entered by the Clerk of this Court on January 28, 1987; and that the Defendant, Ramona Sue Price, has failed to answer and her default has been entered by the Clerk of this Court on November 18, 1986.

The Court further finds that this is a suit based upon a certain mortgage note and for foreclosure of a mortgage securing said mortgage note upon the following described real property located in Tulsa County, Oklahoma, within the Northern Judicial District of Oklahoma:

The West Sixty (60) Feet of the East One Hundred Twelve (112) Feet of the North One Hundred Forty-four and Eighty-five Hundredths (144.85) Feet, of Lot Eight (8), OZARK GARDEN FARMS, A Subdivision of Tulsa County, State of Oklahoma, according to the recorded Plat thereof, LESS AND EXCEPT the North Five (5) Feet thereof, previously dedicated to the Public.

The Court further finds that on August 1, 1983, the Defendant, S. Nadene Garrett, executed and delivered to the United States of America, acting on behalf of the Administrator

of Veterans Affairs, her mortgage note in the amount of \$38,500.00, payable in monthly installments, with interest thereon at the rate of eleven and one-half percent (11.5%) per annum.

The Court further finds that as security for the payment of the above-described note, the Defendant, S. Nadene Garrett, executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, a mortgage dated August 1, 1983, covering the above-described property. Said mortgage was recorded on August 2, 1983, in Book 4712, Page 1178, in the records of Tulsa County, Oklahoma.

The Court further finds that the Defendant, S. Nadene Garrett, made default under the terms of the aforesaid note and mortgage by reason of her failure to make the monthly installments due thereon, which default has continued, and that by reason thereof the Defendant, S. Nadene Garrett, is indebted to the Plaintiff in the principal sum of \$38,648.16, plus interest at the rate of eleven and one-half percent (11.5%) per annum from July 1, 1985 until judgment, plus interest thereafter at the legal rate until fully paid, and the costs of this action accrued and accruing.

The Court further finds that the Defendant, County
Treasurer, Tulsa County, Oklahoma, has a lien on the property
which is the subject matter of this action by virtue of
personal property taxes in the amount of \$162.00, plus penalties
and interest, for the year of 1985. Said lien is junior and
inferior to the interest of the Plaintiff, United States of
America.

The Court further finds that the Defendant, Board of County Commissioners, Tulsa County, Oklahoma, claims no right, title, or interest in the subject real property.

The Court further finds that the Defendants, Darrell W. Duke and Ramona Sue Price, are in default and have no right, title, or interest in the subject real property.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendant,

S. Nadene Garrett, in the principal sum of \$38,648.16, plus plus interest at the rate of eleven and one-half percent (11.5%) per annum from July 1, 1985 until judgment, plus interest thereafter at the current legal rate of 5.75 percent per annum until paid, plus the costs of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendant, County Treasurer, Tulsa County, Oklahoma, have and recover judgment in the amount of \$162.00, plus penalties and interest, for personal property taxes for the year of 1985, plus the costs of this action.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendants, Board of County Commissioners, Tulsa County, Oklahoma, Darrell W. Duke, and Ramona Sue Price, have no right, title, or interest in the subject real property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon the failure of said Defendant, S. Nadene Garrett, to satisfy the money judgment of the Plaintiff herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisement the real property involved herein and apply the proceeds of the sale as follows:

#### First:

In payment of the costs of this action accrued and accruing incurred by the Plaintiff, including the costs of sale of said real property;

#### Second:

In payment of the judgment rendered herein in favor of the Plaintiff;

#### Third:

In payment of the Defendant, County
Treasurer, Tulsa County, Oklahoma, in the
amount of \$162.00, plus penalties and
interest, for personal property taxes which
are presently due and owing on said real
property.

The surplus from said sale, if any, shall be deposited with the Clerk of the Court to await further Order of the Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from and after the sale of the above-described real property, under and by virtue of this judgment and decree, all of the Defendants

and all persons claiming under them since the filing of the Complaint, be and they are forever barred and foreclosed of any right, title, interest or claim in or to the subject real property or any part thereof.

Thomas R. beet

UNITED STATES DISTRICT JUDGE

APPROVED:

LAYN R. PHILLIPS

United States Attorney

ETER BERNHARDT

Assistant United States Attorney

DORIS L. FRANSEIN

Assistant District Attorney

Attorney for Defendants,

County Treasurer and

Board of County Commissioners,

Tulsa County, Oklahoma

## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

JOHN G. PHILLIPS, III, d/b/a
EPICUREAN EDIBLES,

Plaintiff,

VS.

Case No. 85-C-1079-E

WHITE DAIRY ICE CREAM
COMPANY, INC., an Arkansas
corporation,

Defendant.

# VOLUNTARY DISMISSAL BY STIPULATION UNDER F.R.C.P. 41(a)(1)(ii) <u>DUE TO SETTLEMENT</u>

COMES NOW the Plaintiff and hereby dismisses with prejudice the above entitled and numbered action for the reason and upon the grounds that Plaintiff's claim for relief has been settled.

Pursuant to the provisions of F.R.C.P. 41(a) voluntary dismissals may be made without order of the court by the filing of a stipulation of dismissal signed by all parties who have appeared in the action, which is the case herein.

WHEREFORE, the above entitled and numbered action is hereby dismissed with prejudice by stipulation of all parties pursuant to the provisions of F.R.C.P. 41(a)(1)(ii).

JOHN G. PHILLIPS, III d/b/a EPICUREAN EDIBLES

2424 Fourth National Bank Bldg. Tulsa, OK 74119 (918) 583-2424

evin M. Abel

Attorney for Plaintiff

GABLE & GOTWALS

2000 Fourth National Bank Building Tulsa, OK 74119 (918) 582-9201

Ronald N. Ricketts

Co-Counsel for Defendants

#### CERTIFICATE OF MAILING

I, Kevin M. Abel, hereby certify that on this 2 day of February, 1987, I mailed a true and correct copy of the above and foregoing Dismissal to:

Ronald N. Ricketts, Esquire 2000 Fourth National Bank Bldg. Tulsa, OK 74119 Attorney for Defendant

and

Don A. Smith, Esquire

P. C. Box 1089

Ft. Smith, Arkansas 72902

Co-counsel for Defendant

(evin M. Abel O.B.A.

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

FEB - 9 1007
U.S. E.S. LAWE COURT
) 86-C-126-E
) ) )

#### ORDER

The Court has for consideration the Report and Recommendation of the Magistrate filed January 12, 1987, in which the Magistrate recommended that defendant's motion for partial summary judgment be granted. No exceptions or objections have been filed and the time for filing such exceptions or objections has expired.

After careful consideration of the record and the issues, the Court has concluded that the Report and Recommendation of the Magistrate should be and hereby is affirmed.

It is therefore Ordered that defendant's motion for partial summary judgment is granted as to the claim of loss of consortium of plaintiff Francine Harrington.

It is further Ordered that defendant's motion for partial summary judgment is granted as to the inconvenience and mental distress claims of plaintiff Jay Harrington.

Dated this 1 day of January, 1987.

UNITED STATES DISTRICT JUDGE

### UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

VS.

GARY RAY CARTWRIGHT; JERRY L. TILLER; DEBORAH TILLER; COUNTY TREASURER, Tulsa County, Oklahoma; and BOARD OF COUNTY COMMISSIONERS, Tulsa County, Oklahoma,

Defendants.

CIVIL ACTION NO. 86-C-673-E

#### JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 7th day of Stelr, , 1987. The Plaintiff appears by Layn R. Phillips, United States Attorney for the Northern District of Oklahoma, through Phil Pinnell, Assistant United States Attorney; the Defendants, County Treasurer, Tulsa County, Oklahoma, and Board of County Commissioners, Tulsa County, Oklahoma, appear by Doris L. Fransein, Assistant District Attorney, Tulsa County, Oklahoma; and the Defendants, Gary Ray Cartwright, Jerry L. Tiller, and Deborah Tiller, appear not, but make default.

The Court being fully advised and having examined the file herein finds that the Defendants, Jerry L. Tiller and Deborah Tiller, were served with Summons and Complaint on September 4, 1986; that the Defendant, County Treasurer, Tulsa County, Oklahoma, acknowledged receipt of Summons and Complaint on July 22, 1986; and that the Defendant, Board of County Commissioners, Tulsa County, Oklahoma, acknowledged receipt of Summons and Complaint on July 23, 1986.

The Court further finds that the Defendant, Gary Ray Cartwright, was served by publishing notice of this action in the Tulsa Daily Business Journal & Legal Record, a newspaper of general circulation in Tulsa County, Oklahoma, once a week for six (6) consecutive weeks beginning October 31, 1986, and continuing to December 5, 1986, as more fully appears from the verified proof of publication duly filed herein; and that this action is one in which service by publication is authorized by 12 O.S. Section 2004(C)(3)(c). Since counsel for the Plaintiff does not know and with due diligence cannot ascertain the whereabouts of the Defendant, Gary Ray Cartwright, and service cannot be made upon said Defendant within the Northern Judicial District of Oklahoma or the State of Oklahoma by any other method, or upon said Defendant without the Northern Judicial District of Oklahoma or the State of Oklahoma by any other method, as more fully appears from the evidentiary affidavit of a bonded abstractor filed herein with respect to the last known address of the Defendant, Gary Ray Cartwright. The Court conducted an inquiry into the sufficiency of the service by publication to comply with due process of law and based upon the evidence presented together with affidavit and documentary evidence finds that the Plaintiff, United States of America, acting on behalf of the Administrator of Veterans Affairs, and its attorneys, Layn R. Phillips, United States Attorney for the Northern District of Oklahoma, through Phil Pinnell, Assistant United States Attorney, fully exercised due diligence in ascertaining the true name and identity of the party served by

publication with respect to his present or last known place of residence and/or mailing address. The Court accordingly approves and confirms that the service by publication is sufficient to confer jurisdiction upon this court to enter the relief sought by the Plaintiff, both as the subject matter and the Defendant served by publication.

It appears that the Defendants, County Treasurer,
Tulsa County, Oklahoma, and Board of County Commissioners, Tulsa
County, Oklahoma, filed their Answers herein on August 8, 1986
and their Amended Answer herein on January 23, 1987; that the
Defendants, Jerry L. Tiller and Deborah Tiller, have failed to
answer and their default has been entered by the Clerk of this
Court on October 9, 1986; and that the Defendant, Gary Ray
Cartwright, has failed to answer and his default has been entered
by the Clerk of this Court on January 13, 1987.

The Court further finds that this is a suit based upon a certain mortgage note and for foreclosure of a mortgage securing said mortgage note upon the following described real property located in Tulsa County, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot Sixteen (16), Block Two (2), C.A. REESE ADDITION to the City of Tulsa, County of Tulsa, State of Oklahoma, according to the recorded plat thereof.

The Court further finds that on February 11, 1985, the Defendant, Gary Ray Cartwright, executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, his promissory note in the amount of

\$39,000.00, payable in monthly installments, with interest thereon at the rate of twelve and one-half percent (12.5%) per annum.

The Court further finds that as security for the payment of the above-described note, the Defendant, Gary Ray Cartwright, executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, a real estate mortgage dated February 11, 1985, covering the above-described property. Said mortgage was recorded on March 1, 1985, in Book 4847, Page 1621, in the records of Tulsa County, Oklahoma.

The Court further finds that pursuant to a General Warranty Deed dated September 4, 1985, and filed of record September 4, 1985, Gary Ray Cartwright did grant, sell, and convey the above-described real property to Jerry L. Tiller and Deborah Tiller, who under the terms of said General Warranty Deed agreed to assume and pay the above-described mortgage in favor of the Plaintiff.

The Court further finds that the Defendants, Gary Ray Cartwright, Jerry L. Tiller, and Deborah Tiller, made default under the terms of the aforesaid note and mortgage by reason of their failure to make the monthly installments due thereon, which default has continued, and that by reason thereof the Defendants, Gary Ray Cartwright, Jerry L. Tiller, and Deborah Tiller, are indebted to the Plaintiff in the principal sum of \$39,377.52, plus interest at the rate of twelve and one-half percent (12.5%) per annum until judgment, plus interest thereafter at the legal

rate until fully paid, and the costs of this action accrued and accruing.

The Court further finds that the Defendants, County
Treasurer and Board of County Commissioners, Tulsa County,
Oklahoma, have a lien on the property which is the subject matter
of this action by virtue of ad valorem taxes in the amount of
\$209.00, plus penalties and interest, for the year of 1986. Said
lien is superior to the interest of the Plaintiff, United States
of America.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendants, Gary Ray Cartwright, Jerry L. Tiller, and Deborah Tiller, in the principal sum of \$39,377.52, plus interest at the rate of twelve and one-half percent (12.5%) per annum from September 1, 1985 until judgment, plus interest thereafter at the current legal rate of 579 percent per annum until paid, plus the costs of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendants, County Treasurer and Board of County Commissioners, Tulsa County, Oklahoma, have and recover judgment in the amount of \$209.00, plus penalties and interest, for ad valorem taxes for the year of 1986, plus the costs of this action.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon the failure of said Defendants, Gary Ray Cartwright, Jerry L.

Tiller, and Deborah Tiller, to satisfy the money judgment of the Plaintiff herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisement the real property involved herein and apply the proceeds of the sale as follows:

#### First:

In payment of the costs of this action accrued and accruing incurred by the Plaintiff, including the costs of sale of said real property;

#### Second:

In payment of the Defendants, County
Treasurer and Board of County Commissioners,
Tulsa County, Oklahoma, in the amount of
\$209.00, plus penalties and interest, for
ad valorem taxes which are presently due and
owing on said real property;

#### Third:

In payment of the judgment rendered herein in favor of the Plaintiff.

The surplus from said sale, if any, shall be deposited with the Clerk of the Court to await further Order of the Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from and after the sale of the above-described real property, under and by virtue of this judgment and decree, all of the Defendants and all persons claiming under them since the filing of the

Complaint, be and they are forever barred and foreclosed of any right, title, interest or claim in or to the subject real property or any part thereof.

TOWN O. BUILDIN

UNITED STATES DISTRICT JUDGE

APPROVED:

LAYN R. PHILLIPS United States Attorney

Assistant United States Attorney

Assistant District Attorney

Attorney for Defendants, County Treasurer and

Board of County Commissioners,

Tulsa County, Oklahoma

## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

TAWANA YEVETTE OLIVER,	<b>.</b>
Plaintiff,	
vs.	) Case No. 85-C-463-E
SAFEWAY STORES, INC., a Maryland corporation; TOM ANDERSON; and REX MERCHANT,	
Defendants.	j

ORDER

IT IS ORDERED that the above styled and numbered cause is hereby dismissed for want of jurisdiction.

S/ JAMES O. ELLISON

U. S. District Court Judge

## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

FEDERAL DEPOSIT INSURANCE CORPORATION,	)	FEB 0 - 1987
Plaintiff,	)	Jack C. 1714 C.: (1.8. D/81 . C 2.)
vs.	) No. 86-C-102	<b>7</b> E
PAT SCUDDER, an individual,	)	
Defendant.	)	

#### JOURNAL ENTRY

COMES ON before me this 5th day of January, 1987, Plaintiff, Federal Deposit Insurance Corporation's ("FDIC") Application for Entry of a Default Judgment against Defendant, Pat Scudder ("Scudder"), and the Court being fully advised in the premises finds as follows:

- 1. This action was filed on November 19, 1986.
- 2. Summons was issued on November 19, 1986, to Defendant Scudder.
- 3. Service was obtained on Defendant Scudder on December 4, 1986, by Juanita Looney, a private process server who left copies of the Summons and Complaint at Defendant Scudder's dwelling house or ususal place of abode with Larry Patton, a person of suitable age and descretion residing therein.
- 4. More than twenty (20) days has elapsed since service of the Summons and Complaint on Defendant Scudder and Defendant Scudder has failed to answer or otherwise respond to the Complaint filed herein by FDIC.

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- 5. Defendant Scudder is in default which default has been properly certified by the United States Court Clerk for the United States District Court for the Northern District of Oklahoma.
- 6. An affidavit has been filed with this Court by Plaintiff FDIC in support of the allegations contained in it's Complaint.
- 7. A default judgment should be entered on Plaintiff's cause of action.

Based upon the foregoing findings that a default judgment should be entered, the Court further finds as follows:

- 8. FDIC is a national corporation organized and existing under the laws of the United States of America.
- 9. Defendant Scudder is an individual residing within the Northern District of the State of Oklahoma.
- 10. Jurisdiction is availing this Court by virtue of the provisions of 12 U.S.C. §1819.
- 11. On July 14, 1986, the Comptroller of the Currency declared The First National Bank and Trust Company of Oklahoma City ("Bank") insolvent and appointed FDIC as Receiver of the Bank.
- 12. FDIC, in its corporate capacity, has succeeded to all right, title and interest of the Bank in and to the promissory note hereinafter described.
- 13. On or about October 3, 1984, Defendant Scudder made, executed and delivered unto the Bank his promissory note in the original principal sum of \$1,116,000.00 payable on demand but no

later than October 1, 1985, if no demand was made prior thereto, plus interest accruing thereon at the rate of one and one-half percent (1 1/2%) above the national prime rate of the Bank (the "Note").

- 14. Demand has been made on Defendant Scudder for payment of the indebtedness evidenced by the Note, but Defendant Scudder has failed and refused and continues to fail and refuse to pay the amount due thereunder. As a result of Defendant Scudder's failure to pay, Defendant Scudder is in default thereunder.
- 15. As of January 15, 1987, there is due and owing to FDIC by Defendant Scudder under the terms of the Note the principal sum of \$56,293.70, plus accrued interest in the sum of \$42,206.95, plus interest accruing thereafter at the rate of \$23.45 per day until paid in full. Under the terms of the Note Defendant Scudder also is liable to FDIC for payment of all costs and expenses incurred in connection herewith together with a reasonable attorneys fee.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that judgment be granted in favor of FDIC and against Defendant Scudder for the principal sum of \$56,293.70, plus accrued interest as of January 15, 1986 in the sum of \$42,206.95, plus interest accruing thereon from and after January 15, 1986 to date of judgment at the rate of \$23.45 per day, plus interest accruing on the total from and after date of judgment until paid in full at the rate of 5.75% per annum.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that judgment be entered in favor of FDIC and against Defendant Scudder for costs and expenses, plus reasonable attorney fees to be determined upon proper application.

It is so Ordered.

UNITED STATES DISTRICT JUDGE

### IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

CHERYL A. WILLIAMS and KEVIN S. PETERSON,

Plaintiffs,

VS.

No. 85-C-754-E

GREATER TULSA TRANSIT CENTER, INC. d/b/A YELLOW CHECKER CAB CO. OF TULSA, an Oklahoma corporation, FORUM INSURANCE COMPANY, a Rhode Island corporation, and WILLIE TAFT PIERSON, an individual, and PEOPLES CHECKER CAB COMPANY, INC. an Oklahoma Corporation,

Defendants.

FFF 1987

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#### ORDER OF DISMISSAL

NOW on this 5th day of Lebruary, 1987, upon the written application of the Plaintiff, Kevin S. Peterson, and the Defendants, Greater Tulsa Transit Center, Inc., d/b/a Yellow Checker Cab Co. of Tulsa, Forum Insurance Company, Willie Taft Pierson and Peoples Checker Cab Company, Inc., for a Dismissal with Prejudice as to the Complaint of Kevin S. Peterson v. Greater Tulsa Transit Center, Inc., et al., and all causes of action of Kevin S. Peterson therein, and the Court having examined said Application, finds that said parties have entered into a compromise settlement covering all claims involved in the Complaint of Kevin S. Peterson, and have requested the Court to Dismiss said Complaint of Kevin S. Peterson with prejudice, to any future action. The Court being fully advised in the premises finds said settlement is to the best interest of said Plaintiff.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Complaint and all causes of action of the Plaintiff, Kevin S.

Peterson, against the Defendants Greater Tulsa Transit Center, Inc. d/b/a Yellow Checker Cab Co. of Tulsa, Forum Insurance Company, Willie Taft Pierson and Peoples Checker Cab Company, Inc., be and the same are hereby dismissed with prejudice to any future action.

S/ JAMES O. ELLISON

JUDGE OF THE UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF OKLAHOMA

APPROVALS:

REX TRAVIS

Attorney for the Plaintiff

ALFRED

11 03. 146

Attorney for the Defendants

FEB -6 1987 A

### IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

W. DAVID HOLLOWAY, et al,

Plaintiffs,

V.

PEAT, MARWICK, MITCHELL & CO., |
et al,

Defendants.

#### JOURNAL ENTRY OF PARTIAL SUMMARY JUDGMENT

This matter is before the court on defendants' Motion for Summary Judgment and plantiff's Motion for Partial Summary Judgment. Pursuant to its order of December 30, 1986, the court has determined that there is no genuine issue as to any material fact; the regulatory structure issue is purely a matter of law.

After studying the pertinent case, the briefs and accompanying documentary evidence and hearing oral arguments of counsel, the court concludes on the regulatory structure issue, that the purchasers of the Republic Bancorporation, Inc. ("RBI") notes and Republic Financial Corporation ("RFC") thrift certificates and passbook savings accounts were not abundantly protected as is required by Marine Bank v. Weaver, 455 U.S. 551 (1982); purchasers of RTS thrift certificates and passbook savings accounts were abundantly protected.

.. 379 Accordingly, the defendants' Motion for Summary Judgment is GRANTED with respect to Republic Trust and Savings ("RTS") instruments and DENIED as to RBI's as FRC's instruments; plaintiffs' Motion for Partial Summary Judgment is GRANTED as to RBI's and RFC's instruments and DENIED as to RTS's.

The parties herein have heretofore indicated a desire to perfect an appeal and/or an interlocutory appeal of this order. If an interlocutory appeal is still desired, it is directed that the party desiring to perfect same promptly prepare an appropriate order to certify the question and submit it to the court for signature and filing.

The clerk is directed to mail copies hereof to all counsel/parties of record.

ORDERED this 4th day of February, 1987.

Luther B Fuhanke

SENIOR UNITED STATES DISTRICT JUDGE

Entered -

### IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

Raymond Robert Highland, Sr., or Raymond R. Highland, Sr., and Raymond Robert Highland, Sr., or Raymond R. Highland, Sr., as Administrator of the Estate of Thelma Highland, Deceased,

No. 85-C-1096E

1100 107

Plaintiff,

vs.

James R. Foster, and Automatic Cigarette Company,

Defendants.

#### DISMISSAL

comes now the plaintiff, Raymond Robert Highland, Sr., individually, Raymond Robert Highland, Sr., as Administrator of the Estate of Thelma Highland, Deceased, and his attorney, Charles C. Chesenut, and hereby dismiss the above entitled cause as against the above named defendants with prejudice to the bringing of another action against said defendants.

Raymond Robert Highland, Sr.,

Individually, and

Raymond Robert Highland, Sr., as Administrator of the Estate of Thelma Highland, Deceased

Charles C. Chesenut Attorney for Plaintiff

## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

FEE -6 1837 &

FLEMING FIREARMS, INC.,	U.S. pistalion cot
Plaintiff,	)
v.	) No. 86-C-504-C Consolidated with
LARRY J. LARSON,	) No. 86-C-821-C
Defendant,	)
v.	)
FLEMING FIREARMS, et al.,	) }
Third Party Defendants.	)

# STIPULATION OF JOINT DISMISSAL WITH PREJUDICE

COMES NOW the Plaintiff Fleming Firearms, Inc. and the Third Party Defendants, Fleming Firearms, William H. Fleming and Kathy B. Fleming, by and through Burgher & LaFortune, their attorneys of record, and the Third Party Plaintiff, Larry J. Larson by and through Nichols, Wolfe, Stamper, Nally & Fallis, Inc., his attorneys of record, and hereby dismiss with prejudice their claims asserted and arising out of the allegations plead in the above-styled and numbered cause for the reason that a settlement has been reached between the parties.

Respectfully submitted,

NICHOLS, WOLFE, STAMPER, NALLY & FALLIS, INC.

S. M. Fallis, Jr. George P. Nelson 400 Old City Hall Building 124 East Fourth Street Tulsa, Oklahoma (918) 584-5182 Attorneys for Larry J. Larson

BURGHER & LaFORTUNE

John H. Burgher, Jr. 2150 E. 15th Street Tulsa, Oklahoma 74104

(918) 743-2901

Attorney for Plaintiff and Third Party Defendants

### IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

750 -6 107

FLEMING FIREARMS, INC.,	JALLO COLON CLERK U.S. DESCRIBER
Plaintiff,	
v.	) No. 86-C-504-C Consolidated with
LARRY J. LARSON,	) No. 86-C-821-C
Defendant,	) }
v.	)
FLEMING FIREARMS, et al.,	)
Third Party Defendants.	, )

## STIPULATION OF JOINT DISMISSAL WITH PREJUDICE

COMES NOW the Plaintiff Fleming Firearms, Inc. and the Third Party Defendants, Fleming Firearms, William H. Fleming and Kathy B. Fleming, by and through Burgher & LaFortune, their attorneys of record, and the Third Party Plaintiff, Larry J. Larson by and through Nichols, Wolfe, Stamper, Nally & Fallis, Inc., his attorneys of record, and hereby dismiss with prejudice their claims asserted and arising out of the allegations plead in the above-styled and numbered cause for the reason that a settlement has been reached between the parties.

Respectfully submitted,

NICHOLS, WOLFE, STAMPER, NALLY & FALLIS, INC.

By: S. M. Fallis, Jr.
George P. Nelson
400 Old City Hall Building
124 East Fourth Street
Tulsa, Oklahoma 74103
(918) 584-5182

Attorneys for Larry J. Larson

**BURGHER & LaFORTUNE** 

34.

John H. Burgher, Jr. 2150 E. 15th Street Tulsa, Oklahoma 74104

(918) 743-2901

Attorney for Plaintiff and Third Party Defendants

## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

RILEY MITCHELL JONES,

Petitioner,

V.

THOMAS F. WHITE, et al,

Respondents.

#### ORDER

The Court has for consideration the Report and Recommendation of the Magistrate filed January 13, 1987, in which the Magistrate recommended that petitioner's application for habeas corpus relief be dismissed. No exceptions or objections have been filed and the time for filing such exceptions or objections has expired.

After careful consideration of the record and the issues, the Court has concluded that the Report and Recommendation of the Magistrate should be and hereby is affirmed.

It is therefore Ordered that petitioner Riley Mitchell Jones's application for a writ of habeas corpus pursuant to 28 U.S.C. §2254 is dismissed for failure to exhaust available state remedies.

Dated this 3rd day of January, 1987.

H. DALE COOK, CHIEF UNITED STATES DISTRICT JUDGE

### UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

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UNITED STATES OF AMERICA,	· · · · · · · · · · · · · · · · · · ·
Plaintiff,	) }
vs.	, ) )
TODD A. WINKLE,	, )
Defendant.	) CIVIL ACTION NO. 86-C-885-C

#### DEFAULT JUDGMENT

This matter comes on for consideration this \_\_\_\_\_ day of January, 1986, the Plaintiff appearing by Layn R. Phillips, United States Attorney for the Northern District of Oklahoma, through Peter Bernhardt, Assistant United States Attorney, and the Defendant, Todd A. Winkle, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Todd A. Winkle, was served with Summons and Complaint on December 24, 1986. The time within which the Defendant could have answered or otherwise moved as to the Complaint has expired and has not been extended. The Defendant has not answered or otherwise moved, and default has been entered by the Clerk of this Court. Plaintiff is entitled to Judgment as a matter of law.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendant,

Todd A. Winkle, for the principal sum of \$527.08, plus interest at the rate of 15.05 percent per annum and administrative costs of \$.61 per month from September 16, 1983, and \$.68 per month from January 1, 1984, until judgment, plus interest thereafter at the current legal rate of 5.15 percent per annum until paid, plus costs of this action.

s/H. DALE COOK

UNITED STATES DISTRICT JUDGE

#### IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

FEB -3 1387

JACH CLOHVER, CLERK U.S. DISTRICT COURT KENNETH SCOTT RIDER, and LOUISE RIDER, Plaintiffs, No. 86-C-542-C vs. JETSTREAM PLASTIC PIPE, INC., Defendant and Third Party Plaintiff, VS. LESLEY CRANK d/b/a CRANK'S WRECKER SERVICE, Third Party Defendant.

#### JUDGMENT

This action came before the Court on the motion for summary judgment filed by defendant Jetstream Plastic Pipe, Inc. issues having been duly tried and a decision having been duly rendered,

IT IS SO ORDERED AND ADJUDGED that summary judgment be entered on behalf of the defendant, Jetstream Plastic Pipe, Inc. and against the plaintiffs, Kenneth Scott Rider and Louise Rider, on plaintiffs' cause of action.

day of February, 1987.

Chief Judge, U. S. District Court

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE -2 1937 NORTHERN DISTRICT OF OKLAHOMAJAGE O SERVER CLERK U.S. DISTRICT COURT

BILLY L. EVANS, JR., and
PATRICIA EVANS, and AMERICAN
INSURANCE COMPANY, an
Illinois corporation,

Plaintiffs,

vs. ) Case No.: 86-C-49-B

THE BLACK CLAWSON COMPANY, an Ohio corporation,

Defendant.

and

FARREL COMPANY, MIDVALE-HEPPENSTALL COMPANY, FOXBORO COMPANY, and GENERAL ELECTRIC COMPANY,

Third Party Defendants.

### STIPULATION OF DISMISSAL

COMES NOW the Defendant, The Black Clawson Company, and all other parties hereto, and pursuant to Rule 41 (a)(1)(ii)(c) of the Federal Rules of Civil Procedure, hereby stipulate that the Third Party action by this Defendant against the Third Party Defendants, Farrel Company, Midvale-Heppenstall Company, Foxboro Company, and General Electric Company, can be and same hereby, is dismissed without prejudice.

Dated this 2nd day of February, 1987.

### JUDGE OF THE U. S. QISTRICT COURT

Approved as to Form:

MICHAEL J. SYETLIC Attorney for Plaintiffs

GERARD K. DONOVAN Attorney for Plaintiff,

American Motorists Insurance Co.

Attorney for Defendant

JAMES K. SECREST, II

Attorney for Third Party Defendant,

Farrel Company

MICHAEL P. ATKUSON

Attorney for Third Party Defendant,

Foxboro Company

RONALD D. WOOD

Attorney for Third Party Defendant,

General Electric